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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,903	04/21/2004	David YC Ho	2004-1009	9069
37476 7590 01/13/2009 WHITE-WELKER & WELKER, LLC P.O. BOX 199 CLEAR SPRING, MD 21722-0199				
EXAMINER				
AHMED, MASUD				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/828,903

Applicant(s)

HO, DAVID YC

Examiner

MASUD AHMED

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8, 12-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-8, 12-18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant has amended claims **1-4, 7-8, 12-18 and 20**. Applicant has ***canceled*** claims **5-6, 9-11 and 19**; claim 21 is a newly added claim. Examiner has considered amendment to the claims very carefully and examiner the newly added claim accordingly. A response to the applicant's argument is addressed below.

Claim Objections

Claim objections have been withdrawn by the examiner due to the appropriate correction by the applicant.

Response to Arguments

1. Applicant's arguments filed 10/24/2008 have been fully considered but they are not persuasive. Examiner respectfully disagrees with the applicant's argument at least for the following;
2. Examiner has addressed the amended limitations to the claim below incorporating an additional reference to establish an obviousness case to the applicant. Further applicant made the argument that *by combining known elements, applicant has achieved an unexpected result*.

Respectfully, examiner completely disagrees with the applicant and believes that applicant's invention seeks to combine known elements with predictable results.

First, a social networking or internet gaming is well know in the art to have website with player rankings in various form and taught by Yamashita.

Next, a website hit counter are also very well known in the art to determine the popularity and the least viewed website, and taught by Glommen as cited by the examiner above.

Thus, the question is whether a person having ordinary skill in the art could arrive at ranking the player's of Yamashita's system by the number of hits on their page or profile as an additional ranking to their game scoring?

Examiner believes that he can state without fear of contradiction that one of ordinary skill in the art could modify add a hit counter to the Yamashita's players profile to keep track of the profile view or to determine the popularity of that player. Nor, Examiner imagines, will anyone contradict that this combination of known elements would yield predictable results. Changes to the prior art that utilize known methods to achieve predictable results are considered obvious.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita et al (US 6,755,743), in view of Glommen et al (US 6, 766, 370).

Regarding claims 1 and 12, Yamashita teaches a social networking game system having following limitations:

A multi-user network game having a network server connected to and electronic network with game software for implementing the game rules on network server for running the game application, enabling access to the users, a database for storing user information along with other information as required by the game software (col 2, lines 63-67 and col 3, lines 1-20); one or more participants each using game software to store participants profile information in database server for viewing by any user (col 12, lines 34-44); each participants has their own ranking stored in the database to gain exposure among other user's or players (col 15, lines 30-41). A website hit counter to determine the website traffic is very well known in the art, however Yamashita is silent on disclosing hit counts for the user profile to determine the popularity of the website or the user profile. Glommen teaches a website traffic flow tracking system where each web page is tracked as the number of views to determine the popularity of the web page (col 4, lines 33-35), now perhaps the question remain whether teachings of Glommen can be combined with the Yamashita's social networking game system to come up with an alternative way of ranking a player's page?

As stated before by the examiner, the hit count on a website is very well known in the art to determine the popularity of a website, therefore it would have been obvious to ordinary skilled artisan to incorporate a hit counter to Yamashita's player's profile page as an additional player popularity rankings instead of just game outcome rankings.

Regarding claim 20, above addressed limitations of claim 1 and 12 covers the elements claimed on this claim.

Claims 13-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita et al (US 6,755,743), in view of Glommen, in view of Elder et al (US 7, 249, 123).

Regarding claims 13-14, In addition to the teachings of claim 12 above, both Yamashita and Elder discloses user biographical information such as name, address contact information along with the rankings of the users or players be stored in a database (Yamashita col 10 lines 29-34 Elder col 10, lines 29-32); Yamashita's FIG 23 shows the participating members registration window. It would have been obvious to skilled artisan at the time of invention that both systems can possibly require users to insert a profile picture that is their own picture along with the restrictions of personal information that are visible to other users to be for paid members only as an alternatives requirements for the game rules so that the host site can make business profit for providing service and the users can get a chance to interact with other user's in real life.

Regarding claim 18, In addition to the teachings of claim 12 above, both Yamashita and Elder discloses rankings the players in various alternatives way (Yamashita col 10 lines 29-34 Elder col 10, lines 29-32), a player being ranked as website view by email link invitation or having other players join the network by invitation are alternatives to the ranking a website by the hit counter or profile views and it is within the knowledge of ordinary skilled artisan.

5. Claims 2-4 and 7-8, 15-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita et al (US 6,755,743), in view of Glommen, in view of Elder et al (US 7, 249, 123), further in view of Roever et al (US 2006/0036447).

Regarding claims 2-4, 7-8, 15-17 and 21, In addition to the teachings of claim 1 and 12 above, Yamashita discloses a network game system where players earn ranking or points to gain exposure among other players. In this case based on the battle history stored in the database user's profiles are displayed according to the ranking of the game. Player's profiles are customized with various images and text. Earning points by profile being viewed by other users or clicking the link on an email that takes you to an user profile through which user gain points are just other alternatives to the system to gain exposure. However Yamashita does not disclose any email or validation code via email. Elder et al discloses a social networking and activity system where individuals'

activities are tracked and ranked among other user to gain exposure (col 2, lines 33-47). However elder is also silent on disclosing user clicking on email link that is coded. Roever et al teaches a contact management system where he talks about online game application and chat application being used in a network (para 0043) and user can click on a coded email link which acts as an identifier to open the new page (para 0151). Coded email validation is very well known in the art. Therefore it would have been obvious to ordinary skilled artisan at the time of invention to create different alternatives to linking a profile page, as coded email validation one of them to give user points so they can rank higher while creating the bigger network to gain maximum exposure to the network.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MASUD AHMED whose telephone number is (571)270-1315. The examiner can normally be reached on Mon-Fri 10:00am-7:00pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571 272 4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A./
Examiner, Art Unit 3714

/Peter DungBa Vo/
Supervisory Patent Examiner, Art Unit 3714